

# 中美环保合作情况回顾

## **EPA-MEP Environmental Collaboration**

附件5：中美环境法律实施与执法合作

Annex 5: Development, Implementation  
and Enforcement of Environmental Law

# 环境执法: **Environmental Enforcement**

## 合作的优先领域/需求/目标**Priorities/Needs/Objectives**

- 目标: 双方在文件、经验与知识的分享, 并帮助中国开展  
Share information, experience and expertise to help China develop:
  - 研究更加有效的执法体制与协调机制  
Effective institutional design/coordination and deterrence mechanisms
  - 在重点行业建立起监察指南和守法导则  
Enforceable requirements, guidelines, strategies and capacity to promote compliance/ conduct quality inspection and effective enforcement response for priority sectors and environmental problems
  - 设计标准化的环境执法绩效评估体系用于地方开展试点  
National performance measures and evaluation system to achieve consistent enforcement and compliance success by local government units
  - 通过与国际环境执法网络的合作, 提高国际合作能力  
International cooperation to build capacity through global and regional enforcement networks

# 应急:Emergency Response

## 合作的优先领域/需求/目 Priorities/Needs/Objectives

分享信息、经验与知识，帮助中国开展:  
Share information

- 设计及建立应急物资储备库，提高应对能力  
Assist in the design of MEP's emergency response warehouses throughout the country to increase emergency response capacity
- 增加两国应急案例的交流以提高对对方环境应急管理系统的深刻了解  
Exchange well investigated case studies to gain an in-depth understanding of the emergency response management systems in both countries
- 开拓双方在应急预防上的合作  
Develop cooperation on emergency response preparedness such as worse case scenario modeling and assessment of industry's emergency response capacity and readiness
- 交流社区应急预警系统  
Exchange information on developing local community emergency notification systems

# 环境影响评价: **Environmental Impact Assessment**

## 合作的优先领域/需求/目标 **Priorities/Needs/Objectives**

分享信息、经验与知识，帮助中国开展:

Share information, experience and expertise to help China develop:

- 土地利用、资源管理以及基础设施规划采取规划环评的最佳实践  
Local capacity for required Master Plan EIAs based upon best practices in Strategic EIA for land use, resource management and infrastructure planning
- 完善规划环评和政策环评的法律框架，在各部门的政策中融合环境保护的要求  
Integration of environmental concerns within Sector Ministry missions and operations learning from US experience with NEPA
- 完善和制定跟踪环评制度，提高项目环评的守法水平
- Improve/develop tracking systems to manage compliance of project level EIAs and improve enforceability of resulting permits

# 2011至2013年间的合作成就

## Accomplishments 2011-2013

- 加强了中方的环境执法工作

### Further strengthened environmental enforcement in China

- 信息分享：中方分享了环境执法机构和人员的设置原则，以及环境执法案例小册子；美方分享了23个执法案例
- Earlier cooperation and exchanges provided foundations for development by MEP of Principles for Personnel Deployment and Organizational Design of China's enforcement/booklet sharing 23 US enforcement cases/US practices for potential adoption in China based upon EPB peer review of US supplied materials.
- 美方参与了我方的绩效评估试点工作（2012，南京研讨会；2013，厦门研讨会）并提供了《美国环保局“州评估框架（SFR）项目”综述报告》等材料，做出了积极的贡献
- MEP piloted performance evaluation measures for environmental enforcement, benefiting from participation of US and sharing of EPA's *State Evaluation Framework (SFR) and Sample State Performance Reports*. Experts from EPA contributed to two workshops held in Nanjing, 2012 and Xiamen, 2013

# 2011至2013年间的合作成就

## Accomplishments 2011-2013

- 加强了中方的环境执法工作  
Further strengthened environmental enforcement in China
- 中方在美方的支持下开展了“按日计罚”等新环境行政处罚方式的研究，并取得了试点地区的成功。现在“按日计罚”正在争取修订《环境保护法》时纳入
- MEP research on innovative penalty and deterrence mechanisms and two successful pilots have resulted in addition of per day penalties in the third draft of the Environmental Protection Law currently under review.
- 深圳实行“按日计罚”后罚款总额有了一定幅度的增加，重复违法率和案件数均有所下降；重庆对典型案件实行了按日计罚后，绝大部分得到了改正
- Schengzhen applied fines per day resulting in an increase in fines, an obvious decrease in repeat violators and enforcement cases . In Chongqing, 40 enforcement cases penalized violations by day and they have a 95% correction rate

# 2011至2013年间的合作成就

## Accomplishments 2011-2013

- 加强了中方的环境执法工作

### Further strengthened environmental enforcement in China

- 积极支持我方制定了焦化、电镀、铅蓄电池、造纸等多个行业的环境现场监察指南

MEP developed environment enforcer and inspector guidelines e.g. coking, electroplating, lead storage battery and pulp & paper.

现场监察指南在实际应用中取得了丰硕成果。如铅蓄电池现场监察指南有力地支持了行业的环境整治工作

After conducting near two thousand inspections in the lead acid battery sector utilizing the enforcer guidelines: most facilities were closed by enforcers or chose to close on their own since they could not comply with the standards in the guideline. Almost none of the closed facilities returned to production

# 2011至2013年间的合作成就

## Accomplishments 2011-2013

- 推动了中方环境守法工作的开展
- Piloted an environmental compliance approach
  - 开展惩处机制研究，探讨多种方式加大惩处以提高企业环境守法  
MEP piloted higher penalty assessments with resulting increase in compliance
  - 2011年以来，在美方的支持下，我局组织编制了《印染企业环境守法导则》、《火电企业环境守法导则》等指导性文件，为培育我国重点行业相关企业的守法意识奠定了基础  
MEP developed compliance guidelines for key industries, with support from EPA, which laid the foundation for nurturing law-abiding compliance awareness in related enterprises
  - 守法导则受到了企业的普遍欢迎，特别是火电企业守法率的提升将有助于当前大气污染防治工作的开展  
Compliance guidelines have been well received by the enterprises, especially by power plants, which are the key sources in the fight against air pollution.



# 2011至2013年间的合作成就

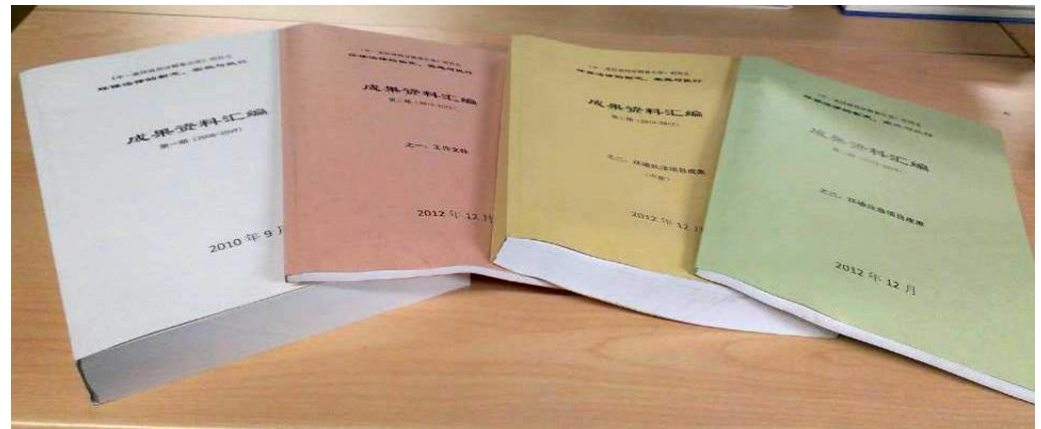
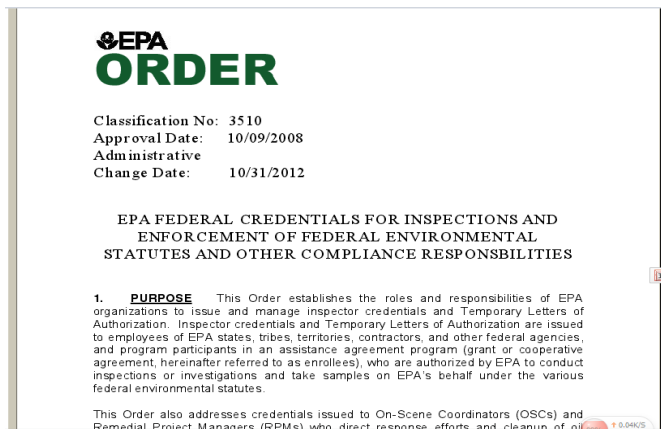
## Accomplishments from 2011-2013

- 推进中方国家环境应急管理体系建设
- Promote the development of a Chinese Environmental Emergency Management System, MEP
  - 编制并印发了《关于加强环境应急管理工作的指导意见》，颁布了《突发环境事件信息报告办法》，修订了《国家突发环境事件应急预案管理暂行办法》
  - Formulated and distributed *Guiding Principles on Strengthening Environmental Emergency Management*, issued *Procedures for Reporting the Environmental Emergencies*, and amended *Tentative Measures for the Management of Preparedness for National Environmental Emergencies*
  - 组织开展了全国重点行业企业环境风险及化学品检查工作，共检查了43510家企业，初步建立企业环境风险分级数据库
  - Carried out environmental risks and chemicals inspection to 43510 enterprises, and initially established environmental risk rating database
  - 2012年，美方与中方分享了《环境应急手册》
  - EPA has provided *Environmental Emergency Response Guides* in 2012.

# 2011至2013年间的合作成就

## Accomplishments 2011-2013

- 加强了双方在人员培训上的合作
- Deepened exchanges and cooperation in personnel training
  - 美方提供了《执法检查人员培训条例》（修订版）、包括健康和  
安全培训在内的美国环保署培训课程等部分资料，为我方环境执  
法网络远程培训提供了重要的素材
  - Offered the *Training Order for Environmental Inspection  
Personnel* (revised edition), and EPA inspector training courses  
including health and safety , which provides important materials  
for e-learning on environmental enforcement.



# 2011至2013年间的合作成就

## Accomplishments 2011-2013

- “突发环境事件应急机制及能力建设”
- 2012年7月12-19日，“美国执法与守法经验学习”（洛杉矶、旧金山）
- 2013年10月15-23日，“美国执法与守法经验学习”（华盛顿、芝加哥）

Arranged study tours: emergency preparedness and response to environmental accidents (July 12-19, 2012, Los Angeles and San Francisco; and enforcement and compliance July 2012 in Washington DC and Philadelphia, and October 15-23, 2013, in DC and Chicago)



## 2011至2013年间的合作成就 Accomplishments 2011-2013

- 2012年7月，代表团访美，访问五区办公室、总部，总结第二期（2010-2011），安排第三期（2012-2013）合作
- On July 2012, the Chinese delegation went to the US, visited EPA headquarters and EPA Region 5 office, summarized the work between 2010-2011, and plan cooperation 2012-2013.





# 2014至2015年的重点活动-环境执法与守法

## Enforcement Cooperation in 2014-2015

- 在加强环境执法监管上继续加深合作Continue and Deepen Cooperation to:
  - 在环境执法绩效评估上加深合作。我方将积极听取美方在修改绩效评估指标和评估方案上的建议，用于完善第二期试点方案
  - Evaluate and revise performance indicators and evaluation scheme and carry out a second phase of the pilot program to develop recommendations for a national performance assessment program
  - 我方将在重点行业的现场监察指南制定上继续与美方保持沟通与联系，分享我方的最新成果；
  - Develop enforcer site inspection guidelines for more key industries
  - 探索更加有效的处罚机制
  - Continue to explore more effective penalty and deterrence mechanisms through pilots and design of legislative alternatives

# 2014至2015年的重点活动-环境执法与守法

## Enforcement Cooperation in 2014-2015

在加强环境执法监管上继续加深合作

### Continue and Deepen Cooperation to:

- 研究环境守法的新政策和举措，开展相关试点工作，积极培育企业环境守法意识，提升企业环境守法能力
- Strengthen Compliance: Develop and pilot compliance program institutions, policies and practices to Promote an environmental compliance culture: cultivating the enterprise's awareness and capacity to comply
- 在PM2.5和VOC执法监管上向美方寻求技术、经验和政策上的支持。研究促使环境影响评价在控制PM2.5和VOC排放上发挥其许可作用的方法
- Address priority air pollution haze from PM 2.5 and VOC sources through:
  - enforcement policies, monitoring technologies and strategies
  - ensure enforceability of relevant environmental permits from the EIA process

# 2014至2015年的重点活动-环境应急

## Emergency Response in 2014-2015

在加强环境应急上继续加深合作 Continue and Deepen Cooperation to:

- 美方将向中方继续提供更新后的《环境应急手册》，并帮助中方完善环境应急知识库。
- EPA will provide updated *Environmental Response Guides*.
- 设计及建立环保部应急设备中心，提高应对能力  
Assist in the design of MEP's emergency response warehouses throughout the country to increase emergency response capacity
- 增加两国应急案例的交流以提高对对方环境应急管理体系的深刻了解  
Exchange well investigated case studies to gain an in-depth understanding of the emergency response management systems in both countries
- 开拓双方在应急预防上的合作  
Develop cooperation on emergency response preparedness such as worse case scenario modeling and assessment of industry's emergency response capacity and readiness
- 交流社区应急预警系统  
Exchange information on developing local community emergency notification systems

# 2014至2015年的重点活动-人员培训

## Training Cooperation in 2014-2015

- 在人员培训上继续加深合作
- Continue to Deepen Cooperation on Personnel Training
  - 美方将应中方请求继续提供环境执法与应急响应的在线培训课程以供我方借鉴，并加强双方在网络培训上的交流与合作；
  - **Online and distance learning:** US EPA will share delivery experience for efficient and sustainable training in China, training courses and materials for environmental enforcement and emergency response personnel for MEP reference
  - 请美方继续支持我部派出的“突发环境事件应急机制及能力建设”和“美国执法与守法培训”两个赴美团组；
  - **Annual Study Tours to the U.S.** Sent by MEP to learn about emergency preparedness and response to environmental accidents and experience on US enforcement & compliance program implementation
  - 邀请美国环保局专家在访华时适时安排，或以网络在线的方式为我方环境执法和应急人员授课
  - **Participation of invited experts** of EPA to give lectures or seminars to China's environmental enforcement and/or emergency response personnel, possibly remotely or during their visit to China



# 2014至2015年的重点活动-国际合作

## International Cooperation in 2014-2015

- 深化国际交流
- Deepen International Cooperation
  - 继续深化我方与亚洲及国际执法网络的合作；
  - Continue to deepen the cooperation with Asian regional and global enforcement networks
  - 继续邀请美方参加与OECD有关环境执法绩效评估的合作；
  - Continue to cooperate in partnership with the OECD on performance evaluation of environmental enforcement

# 预期合作成果

## Anticipated Future Accomplishments

- 与中方继续分享在执法、应急和环评等方面的先进技术和经验
- Sharing experience in procedures and policy-making in order to improve China's environmental enforcement, impact assessment and emergency response management system
- 在总结前期试点经验的基础上，将成果向全国推广。如环境执法与守法评估、企业应急预案制定与应急能力建设等
- Moving from pilots to national systems, for
  - Evaluation and oversight of local compliance and enforcement
  - local government implementation of national compliance and enforcement and emergency preparedness and response
  - Enterprise initiatives and capacity to comply and prevent emergencies
- 深化环境影响评价的应用，如开展政策环境影响评估等
- Improved results from implementation of EIA through:
  - Integration into sector ministry missions and work
  - Enforceable environmental permits based on EIA process

# 与其他附件之间的联系/衔接

## Coordination with other Annexes

Annex 5 Work Plan Element 附件五 工作计划的主要内容	Coordination 协调
Environmental Enforcement 环境执法	
Recommendations for strengthening deterrence and punishment authorities 加强威慑和处罚权限的建议	Annex 6 Law 附件6 立法
Guidelines for coal fired power plants/textiles/electroplating/lead-acid batteries/coking 燃煤电厂,纺织,焦化行,电镀, 铅酸蓄电池, 燃 煤火电,焦化现场监察指南	Annex 1 Air 附件1 大气 Annex 2 Water 附件2 水
Environmental Impact Assessment 环境影响评价	Annex 6 Law 附件6 立法
Emergency Response 环境应急	Annex 1 Air 附件1 大气